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CONCLUSION OF EFFECTIVE INTERNATIONAL ARRANGEMENTS TO ASSURE NON-NUCLEAR-WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Report of the First Committee

Rapporteur: Mr. Rajab SUKAYRI (Jordan)

I. INTRODUCTION

1. The item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the provisional agenda of the fiftieth session of the General Assembly in accordance with Assembly resolution 49/73 of 15 December 1994.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 12 October 1995, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 57 to 78, 80 and 81. The deliberations on those items took place at the 3rd to 11th meetings, from 16 to 20 and on 25 and 26 October 1995 (see A/C.1/50/PV.3-11). Structured discussions of specific subjects within the adopted thematic approach were held from 30 October to 3 November. Consideration of draft resolutions on those items took place at the 13th to 17th meetings, from 6 to 9 November (see A/C.1/50/PV.13-17). Action on draft resolutions on the items was taken at the 18th to 29th meetings on 10, 13 to 17, 20 and 21 November (see A/C.1/50/PV.18-29).

4. In connection with item 68, the First Committee had before it the following documents:

(a) Report of the Conference on Disarmament (A/50/27);

(b) Letter dated 22 February 1995 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/50/86);

(c) Letter dated 13 April 1995 from the Permanent Representative of Kazakstan to the United Nations addressed to the Secretary-General (A/50/134-S/1995/298);

(d) Letter dated 6 April 1995 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/50/151-S/1995/261);

(e) Letter dated 6 April 1995 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General (A/50/152-S/1995/262);

(f) Letter dated 6 April 1995 from the Chargé d'affaires a.i. of the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General (A/50/153-S/1995/263);

(g) Letter dated 6 April 1995 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/50/154-S/1995/264);

(h) Letter dated 6 April 1995 from the Permanent Representative of China to the United Nations addressed to the Secretary-General (A/50/155-S/1995/265);

(i) Letter dated 17 April 1995 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General (A/50/161-S/1995/317).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/50/L.39 AND Rev.1

5. At the 15th meeting, on 7 November 1995, the representative of Pakistan, on behalf of Bangladesh, Brunei Darussalam, Colombia, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Madagascar, Myanmar, Nepal, Pakistan, Sri Lanka, Sudan and Viet Nam, introduced a draft resolution entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", which was later also sponsored by Indonesia, the former Yugoslav Republic of Macedonia, Kenya, the Philippines and Malaysia.

6. On 8 November, the sponsors submitted a revised draft resolution (A/C.1/50/L.39/Rev.1), in which the fifteenth preambular paragraph, which had read:

> "Taking note also of the decision adopted by the Tenth Conference of Heads of State or Government of Non-Aligned Countries at Jakarta in September 1992, as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Twentieth Islamic Conference of Foreign Ministers, held at Istanbul in August 1991, calling upon the Conference on Disarmament to reach an urgent

agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,"

was revised to read:

"Taking note of the relevant decision of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, and also of the decision adopted by the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Twentieth Islamic Conference of Foreign Ministers, held at Istanbul in August 1991, calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,"

7. At its 20th meeting, on 14 November, the Committee adopted draft resolution A/C.1/50/L.39/Rev.1 by a recorded vote of 113 to 1, with 42 abstentions (see para. 8). The voting was as follows: 1/

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Swaziland.

Abstaining: Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia,

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1/ Subsequently, the delegation of Swaziland indicated that it had intended to abstain in the vote on the draft resolution.

Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan.

III. RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Welcoming the progress achieved in recent years in both nuclear and conventional disarmament,

Noting that, despite recent progress in the field of nuclear disarmament, further efforts are necessary towards the achievement of the goal of general and complete disarmament under effective international control,

Also convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined strictly to abide by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing also that effective measures and arrangements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament, 3/ submitted to the General Assembly at its twelfth special session, 4/ the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, 5/ the third special session devoted to disarmament, as well as of the report of the Conference on its 1992 session, 6/

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, 7/ with a view to reaching agreement on this item,

Taking note of the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

Taking note of the relevant decision of the Eleventh Conference of Heads of State or Government of Non-Aligned Countries, held at Cartagena de Indias, Colombia, from 18 to 20 October 1995, and also of the decision adopted by the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held

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2/ Resolution S-10/2.

3/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

4/ Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2), sect. III.C.

5/ Ibid., Fifteenth Special Session, Supplement No. 2 (A/S-15/2), sect. III.F.

6/ Ibid., Forty-seventh Session, Supplement No. 27 (A/47/27), sect. III.F.

7/ Ibid., Forty-eighth Session, Supplement No. 27 (A/48/27), para. 39.

at Jakarta from 1 to 6 September 1992, 8/ as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Twentieth Islamic Conference of Foreign Ministers, held at Istanbul in August 1991, 9/ calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Taking note further of the unilateral declarations made by all nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Noting also the greater willingness to overcome the difficulties encountered in previous years,

Noting further Security Council resolution 984 (1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993 and 49/73 of 15 December 1994,

1. Reaffirms the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;

3. Appeals to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

8/ See A/47/675-S/24816, annex, chap. II, para. 47; see Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992, document S/24816.

9/ See A/46/486-S/23055, annex I; see Official Records of the Security Council, Forty-sixth Year, Supplement for July, August and September 1991, document S/23055.

4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties;

5. Also recommends that the Conference on Disarmament should actively continue intensive negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. Decides to include in the provisional agenda of its fifty-first session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".